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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,378

05/05/2006

Declan Patrick Kelly

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

KIM, EDWARD J

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

04/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,378	Applicant(s) KELLY ET AL.	
	Examiner EDWARD J. KIM	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is a responsive to the application filed on 05/05/2006.
2. Claims 1-10 are pending in this office action.
3. The claims are directed towards an optical disc player playing method, where the playing status is detected, corresponding URLs are searched, and the corresponding information is downloaded.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
5. The abstract of the disclosure is objected to because it does not commence on a separate sheet in accordance with 37 CFR 1.52 (b)(4) and does not meet the requirements of 37 CFR 1.72(b). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. See MPEP § 608.01(b).
6. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE KANAZAWAS OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.

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- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "the abnormal playing status", which is described in the Specification as including "pause status, copyright information status (some text information used by copyright warning) and director annotation (some explanatory words used by director annotation), and the like" (refer to pg.5 ln.3-5 of the Specification of the Application filed 05/05/2006). The scope of "abnormal playing status" limitation, which seems to be the core part of the invention, cannot be determined even in view of the Specification of the Application.

Similarly, claim 1 recites "the information required in the normal status", which is not described in the Specification in detail to determine the scope of the feature.

Appropriate correction is required and it is noted by the Examiner that the Applicant may not introduce new matter into the Application.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 recite “the abnormal playing status”, which is described in the Specification as including “pause status, copyright information status (some text information used by copyright warning) and director annotation (some explanatory words used by director annotation), and the like” (refer to pg.5 ln.3-5 of the Specification of the Application filed 05/05/2006). The scope of “abnormal playing status” limitation, which seems to be the core part of the invention, cannot be determined even in view of the Specification of the Application. Therefore, claim 1 is vague and indefinite to what the limitation is, failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Similarly, claims 1 and 6 recite “the information required in the normal status”, which is not described in the Specification in detail to determine the scope of the feature, failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 1 recites the limitation “the abnormal playing status”, “the searching command”, and “the information required in the normal status”. There is insufficient antecedent basis for these limitations in the claim.

Regarding claim 6, step (b), it is unclear to what “information” is not downloaded. Also it is suggested by the Examiner that the Applicant clarify whether the information is not

downloaded due to the playing status being abnormal or the “searching for the URL” is executed when the playing status is abnormal.

Regarding claim 6, step (c), it is unclear what is “according to the searched-out URL”. Is the downloading of the information being executed according to the searched-out URL or the information required in the normal playing status defined in according to the searched-out URL?

11. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Also the Examiner notes that similar errors are apparent in the Specification.

Examples of such errors are:

“sending a searching command when the abnormal playing status being detected out”
(claim 1) - grammatical mistake with “being detected out”.

“...while the player being in the abnormal status” (claim 6 step (c)) - Grammatical mistake with “being in the abnormal status”.

“a searching module for searching the URL corresponding to the information which is not downloaded according to the searching command” (claim 1) – unclear to what is “according to the searching command”. Unclear whether the searching is done according to the searching command or the information was not found according to the searching command. For the latter scenario, the Examiner suggests the Applicant clarify exactly what is meant by the claim language.

“wherein the abnormal status including the ...(claimed feature)” (claims 3-5, and 8-10).

Regarding the above citations from claims 3-5, and 8-10, the Examiner understands the limitation to read as “wherein the abnormal status includes the ...(claimed feature)...” for examining purposes.

The Examiner suggests that the Applicant double-check the claims and specification for informalities in grammar, which creates confusion in understanding the claimed invention, in order to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-3, 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanazawa et al. (US Patent #6,580,870 B1), hereinafter referred to as Kanazawa.

Kanazawa discloses a system for reproducing AV information from a recording medium, which utilize other external resources on a computer network.

Regarding claim 1, Kanazawa discloses, an optical disc player (Kanazawa, Abstract, col.1 ln.20-25, col.1 ln.57-67), comprising: a detecting module for detecting whether the player is under the abnormal playing status (Kanazawa, col.8 ln.10-20), and sending a searching command when the abnormal playing status being detected out (Kanazawa, col.5 ln.10-34, col.6 ln.54-60, col.8 ln.10-20);

a searching module for searching the URL corresponding to the information which is not downloaded according to the searching command (Kanazawa, col.2 ln.20-25, col.5 ln.18-34, col.6 ln.55-67, col.5 ln.46-54, col.12 ln.55-65. Kanazawa discloses the use of external resources on a computer network.);

and a network management apparatus for downloading the information required in the normal status utilizing the searched URL corresponding to the information which is not downloaded while the player being in the abnormal status (Kanazawa, col.5 ln.18-34, col.6 ln.55-67, col.5 ln. 46-54. Kanazawa discloses the use of external resources on a computer network.).

Regarding claim 2, Kanazawa disclosed the limitations, as described in claim 1, and further discloses, a storage for storing the information before it being downloaded to directly use this information under the normal status (Kanazawa, col.5 ln.10-34, col.6 ln.43-50. Kanazawa discloses downloading external information from web pages or on a computer network it is connected to.).

Regarding claim 3, Kanazawa disclosed the limitations, as described in claim 1, and further discloses, wherein the abnormal status including the pause status (Kanazawa, col.8 ln.10-20, col. 16 ln.25-40).

Regarding claim 5, Kanazawa disclosed the limitations, as described in claim 1, and further discloses, wherein the abnormal status including the director annotation status (Kanazawa, col.2 ln.20-25, col.5 ln.18-34, col.6 ln.55-67, col.5 ln.46-54, col.12 ln.55-65).

Regarding claim 6, Kanazawa discloses, a playing method of optical disc, comprising:

(a) detecting the playing status (Kanazawa, col.8 ln.10-20);

(b) searching the URL corresponding to the information which is not downloaded if the detected playing status is abnormal (Kanazawa, col.2 ln.20-25, col.5 ln.18-34, col.6 ln.55-67, col.5 ln.46-54, col.12 ln.55-65. Kanazawa discloses the use of external resources on a computer network.);

and (c) downloading the information required in the normal playing status according to the searched-out URL while the player being in the abnormal status (Kanazawa, col.2 ln.20-25, col.5 ln.18-34, col.6 ln.55-67, col.5 ln.46-54, col.12 ln.55-65, col.6 ln.43-50. Kanazawa discloses downloading external information from web pages or on a computer network it is connected to.).

Regarding claim 7, Kanazawa disclosed the limitations, as described in claim 6, and further discloses, a playing method of optical disc according to claim 6, wherein the step (b) comprising waiting until the playing status returns to normal if the URL of the information which is not downloaded is not searched out (Kanazawa, col.5 ln.46-54, col.6 ln.43-50, col.2 ln.20-25, col.5 ln.18-34, col.6 ln.55-67, col.5 ln.46-54, col.12 ln.55-65.).

Regarding claim 8, Kanazawa disclosed the limitations, as described in claim 6, and further discloses, a playing method of optical disc, further comprising storing the downloaded information in a storage of the player (Kanazawa, col.5 ln.10-34, col.6 ln.43-50.).

Regarding claim 9, Kanazawa disclosed the limitations, as described in claim 6, and further discloses, a playing method of optical disc wherein the abnormal status including the pause status (Kanazawa, col.8 ln.10-20, col. 16 ln.25-40).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa et al. (US Patent #6,580,870 B1), hereinafter referred to as Kanazawa, in view of "Official Notice".

Regarding claim 4, Kanazawa disclosed the limitations, as described in claim 1, and further discloses, an optical disc player wherein the abnormal status (Kanazawa, col.7 ln.60-64), however, fails to explicitly disclose including the copyright information status.

"Official Notice" is taken by the Examiner that the verification of copyright information is well-known and common in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Kanazawa to take into account the copyright information when looking at data related to the media before playing it. One would have been motivated to do so, as copyright verification was well-known and common in the art for ensuring protection of media rights on media players, and conforming with the law ruling copyright.

Regarding claim 10, Kanazawa disclosed the limitations, as described in claim 6, and further discloses a playing method of optical disc wherein the abnormal status (Kanazawa, col.7 ln.60-64), however, fails to explicitly disclose including the copyright information status.

“Official Notice” is taken by the Examiner that the verification of copyright information is well-known and common in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the teachings of Kanazawa to take into account the copyright information when looking at data related to the media before playing it. One would have been motivated to do so, as copyright verification was well-known and common in the art for ensuring protection of media rights on media players, and conforming with the law ruling copyright.

Conclusion

Examiner’s Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied up on is considered pertinent to applicant’s disclosure.

- Chung et al., US Pub. 2003/0049017 A1, Information storage and medium containing preload information, apparatus for and method of reproducing therefor.
- Tagawa et al., US Pub. 2002/0034130 A1, Recording medium, recording apparatus and reproduction apparatus.
- Sako et al., Us Patent 7072260 B1, Data recording medium, data reproducing method and reproducing device, and data processing system.

A Shortened statutory period for reply is set to expire 3 month(s) or thirty (30) days, whichever is longer, from the mailing date of this communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Kim whose telephone number is (571) 270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Patent Examiner, Art Unit 2155

/saleh najjar/
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